

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

ePLUS INC.,)	
)	
Plaintiff,)	Civil Action No. 3:09-CV-620 (REP)
)	
v.)	
)	
LAWSON SOFTWARE, INC.,)	
)	
)	
Defendant.)	

**PLAINTIFF *ePLUS INC.*'S SUPPLEMENTAL PROPOSED JURY INSTRUCTION
WITH RESPECT TO INCORPORATION BY REFERENCE**

Plaintiff, *ePlus*, Inc. ("*ePlus*"), through counsel, hereby submits the following supplemental proposed jury instruction for the trial of this action, in addition to those jury instructions that it previously proposed.

P-40: Incorporation By Reference

“Incorporation by reference” is a phrase that allows a patent applicant to make another document become part of the patent application in such a manner that the incorporated document is considered to be part of the patent application just as if the incorporated document had been fully set out in the patent application.

Authorities:

In re Lund, 376 F.2d 982, 989 (C.C.P.A. 1967); Black’s Law Dictionary 907 (4th ed. 1968) (defining “incorporate” as “[t]o declare that another document shall be taken as part of the document in which the declaration is made as much as if it were set out at length therein”).

Respectfully submitted,

Dated: January 19, 2011

/s/

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CERTIFICATE OF SERVICE

I certify that on this 19th day of January, 2011, I will electronically file the foregoing **PLAINTIFF ePLUS INC.'S SUPPLEMENTAL PROPOSED JURY INSTRUCTION WITH RESPECT TO INCORPORATION BY REFERENCE** with the Clerk of Court using the CM/ECF system which will then send a notification of such filing (NEF) via email to the following:

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